

**THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY, and
RYAN W. PAYNE,

Defendants.

2:16-cr-46-GMN-PAL-1-4

DATE: November 20, 2017

Courtroom 7C

THE HONORABLE GLORIA M. NAVARRO, CHIEF UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Aaron Blazeovich

COURT REPORTER: Heather Newman

COUNSEL FOR PLAINTIFF: Steven Myhre, Nadia Ahmed and Daniel Schiess with FBI Agents Joel Willis, Sharon Gavin and Mike Abercrombie

COUNSEL FOR DEFENDANT: Bret Whipple, Maysoun Fletcher (Standby Counsel), Daniel Hill, Jay Morgan Philpot, Brenda Weksler and Ryan Norwood

MINUTES OF PROCEEDINGS: Jury Trial (Day 9)

8:25 a.m. The Court convenes outside the presence of the prospective jurors. The Court admonishes the parties regarding courtroom demeanor. The Court notes that Mr. Hill is not yet present due to a hearing in state court. Mr. Philpot states that the Court may proceed without Mr. Hill at this time. The Court indicates that it is in receipt of an email to staff indicating that Mr. Philpot will not be available for trial on certain days. Mr. Hill will still be available, however, and Mr. Ammon Bundy waives Mr. Philpot's presence on November 22, 2017, November 27-28, 2017, and December 12, 2017. The Government indicates that it intends to bifurcate the testimony of both Mr. Petrie and Mr. Stover. The Government makes representations regarding the disclosure of the FBI's Behavioral Analysis Unit report. Ms. Weksler responds. Mr. Schiess makes representations regarding exhibits to be presented during Mr. Petrie's testimony. The Court indicates that the testimony being introduced under FRE 801(d)(2)(E) is admissible while the testimony being introduced under FRE 106 is not admissible. Mr. Schiess makes arguments regarding the Motion in Limine to Exclude Collateral Attacks on Orders (ECF No. 2880). The Court GRANTS IN PART AND DENIES IN PART the Motion in Limine to Exclude Collateral Attacks on Orders (ECF No. 2880). Defendants are not permitted to relitigate the merits of the 1988 and 2013 Orders, or present testimony from expert witnesses regarding water rights. However, Defendants are permitted to introduce evidence in relation to their state of mind. Ms. Weksler requests a final ruling on the Motion in Limine (ECF No. 1715). The Court stands by the Order entered on October 19, 2017, (ECF No. 2733). Mr. Whipple makes representations regarding Mr. Cliven Bundy's entrapment defense

and Ms. Ahmed's involvement in the civil case (2:98-cv-00531-LRH-VCF). Mr. Schiess responds. Mr. Philpot makes arguments regarding an exhibit received by the Defense from the Government which pertains to Mr. Petrie. Mr. Schiess responds.

10:11 a.m. The Court stands at recess for a morning break.

10:35 a.m. The Court reconvenes. The jury enters the courtroom. **TERRY PETRIE**, called on behalf of the Government, is sworn and testifies on direct examination by Mr. Schiess. **EXHIBIT 4 (Pages 92 Line 4-Page 97 Line 6 and Page 99 Lines 1-19 ONLY), EXHIBIT 9, EXHIBIT 10 and EXHIBIT 11 are ADMITTED into evidence.**

11:52 a.m. The jury is admonished and excused for lunch.

1:18 p.m. The Court reconvenes outside the presence of the jury. Mr. Hill addresses issues regarding a potential area of cross examination for **TERRY PETRIE**. Mr. Schiess responds. The Court states its intentions to allow counsel to question TERRY PETRIE outside the presence of the jury.

1:51 p.m. **TERRY PETRIE**, called on behalf of the Government and previously sworn, testifies on direct voir dire by Mr. Hill on behalf of Mr. Ammon Bundy. Mr. Whipple conducts direct voir dire asks questions of **TERRY PETRIE**. Mr. Schiess makes arguments regarding the testimony elicited by Mr. Whipple in his voir dire. Mr. Whipple responds. The Court makes findings as stated on the record.

2:24 p.m. The jury enters the courtroom. **TERRY PETRIE**, called on behalf of the Government and previously sworn, testifies on cross examination by Mr. Whipple on behalf of Mr. Cliven Bundy.

3:23 p.m. The Court stands at recess for an afternoon break.

3:41 p.m. The Court reconvenes outside the presence of the jury. Mr. Schiess makes objections to questions posed by Mr. Whipple during the cross examination of **TERRY PETRIE**. Mr. Whipple responds. The Court sustains the objection.

3:57 p.m. The jury enters the courtroom. **TERRY PETRIE**, called on behalf of the Government and previously sworn, continues testifying on cross examination by Mr. Whipple on behalf of Mr. Cliven Bundy. **EXHIBIT 8000-41 and EXHIBIT 8000-77 is marked but not admitted at this time.** The Court indicates that **EXHIBIT 14** was previously moved into evidence and withdraws the admission of this exhibit at this time.

4:27 p.m. The jury is admonished and excused for the evening.

4:28 p.m. The Court reconvenes outside the presence of the jury. Mr. Ryan Bundy requests he be allowed to contact the following witnesses: Nathan Curtis, Douglas Gillespie, Joseph Lombardo, Shanan Kelly, and Dennis Michael Lynch. The Court informs Mr. Ryan Bundy that he may contact these individual digitally but should he need to meet with any of these witnesses in person, he will need to do so at a Pretrial Services-approved location, such as a law office. Ms. Weksler requests an expedited briefing schedule on the Sealed Motion to Dismiss (ECF No. 2883). The Court will hear arguments on this motion on Tuesday, November 28, 2017, at 8:00 a.m.

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4:38 p.m. The Court stands at recess.

Jury Trial continued to Tuesday, November 21, 2017, at 8:00 p.m. in Courtroom 7C before Chief Judge Gloria M. Navarro.

DEBRA K. KEMPI, CLERK
U.S. DISTRICT COURT

BY: /S/
Aaron Blazeovich, Deputy Clerk